

COPY

(27)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and
JANE DOE,
Plaintiffs

vs.

FATHER ERIC ENSEY, FATHER CARLOS
URRUTIGOITY, DIOCESE OF SCRANTON,
BISHOP JAMES C. TIMLIN, THE
SOCIETY OF ST. JOHN, THE PRIESTLY
FRATERNITY OF ST. PETER, and
ST. GREGORY'S ACADEMY,
Defendants

No. 3:02-0444

(JONES, D.J.)
(SYMSE, M.J.)

JURY TRIAL DEMANDED

FILED
SCRANTON

FEB - 6 2003

CLERK

JOINT CASE MANAGEMENT PLAN

Conference per Local Rule 16.3: August 26, 2002

I. PRINCIPAL ISSUES:

1.10 Specifically for each party, please give a statement
summarizing this case:

By Plaintiffs:

The minor Plaintiff herein John Doe was a student at St. Gregory's Academy beginning in the 1995-1996 academic year. During the Plaintiff's junior year at St. Gregory's, members of the Society of St. John arrived at the Academy. Defendants Ensey and Urrutigoity sexually assaulted the minor Plaintiff. Negligence is asserted against Bishop Timlin, the Diocese of Scranton, the Fraternity of St. Peter and St. Gregory's Academy.

By Defendants:

1.11 SSJ, Ensey and Urrutigoity: The Defendants deny the Plaintiffs' allegations and assert that Plaintiff was not sexually assaulted by either Defendants Ensey or Urrutigoity.

Defendant Timlin denies any liability on his part.

PFSP and SGA: The Defendants, PFSP and SGA deny that any sexual assaults occurred on the premises of St. Gregory's Academy and deny allegations of negligence against them.

The principal factual issues that the parties dispute are:

1.12

agree upon are:

1.21

1.30 The principal legal issues that the parties

dispute are:

1.31.

agree upon are:

1.40 None.

1.50 Identify any unresolved issues as to service or process, personal jurisdiction, subject matter jurisdiction, or venue:

None.

1.60 Identify any named parties that have not yet been served:

None.

1.70 Identify an additional parties that:

plaintiff intends to join:

None at present.

defendants intend to join:

1.80 Identify any additional claims that:
plaintiffs intend to add:

None at present.

defendants intend to add:

2.0 Alternative Dispute Resolution

2.10 Identify any ADR procedure to which this case already
has been assigned or which the parties have agreed to
use.

ADR procedure: None

Date ADR to be commenced: _____

Date ADR to be completed: _____

2.20 If the parties have been unable to agree on an ADR
procedure, but one or more parties believes that the
case is appropriate for such a procedure, identify the
party or parties that recommend ADR and the specific
ADR process recommended:

2.30 If all parties share the view that no ADR procedure
should be used in this case, set forth the basis for
that view.

Due to the factual and legal issues involved, the
parties agree that ADR is inappropriate. The parties are aware
of the Mediation Program in the United States District Court for
the Middle District of Pennsylvania.

3.0 Consent to Jurisdiction by a Magistrate Judge

No.

4.0 DISCLOSURES:

4.100 Separately for each party, list by name and
title/position each person whose identity has been
disclosed:

By the Plaintiffs:

Name

4.101 John Doe
4.102 John Doe, Sr.
4.103 Bishop James C. Timlin
4.104 Father Eric Ensey
4.105 Father Carlos Urrutigoity
4.106 PSP Trooper James Gilgallon
4.107 Lack. Co. Det. Thomas Dubas
4.108 PSP Trooper Weiss
4.109 Jude Huntz
4.110 Paul Hornak
4.111 Joseph Sciambra
4.112 Brother Alexis Bugnolo
4.113 Aux. Bishop John Dougherty
4.114 Millie Breedlove
4.115 Father Christopher Clay
4.116 Father Marshall Roberts
4.117 James B. Early
4.118 Alan Hicks
4.119 Father Paul Carr
4.120 Father Dominick Carey
4.121 Father Arnaud Devillers

4.151 Disclosed by Defendant

Society of St. John, Ensey and Urrutigoity:

Father Carlos Urrutigoity Father, Eric Ensey and
Deacon Joseph Levine.

Diocese and Bishop Timlin: Bishop James C. Timlin

PFSP and SGA:

Allen Hicks, Headmaster - SGA
Father Paul Carr, Priest - PFSP
Father Arnaud Devillers, Priest - PFSP

**4.200 Separately for each party, describe by categories
the documents that have been disclosed or produced
through formal discovery, indicating which
categories relate to damages:**

4.201 Categories of documents disclosed by Plaintiff

- 4.202 Records of St. Gregory's Academy (minor Plaintiff)
- 4.203 Records of Thomas Aquinas College
- 4.204 Records of Holly Hill/Charter Behavioral Health System
- 4.205 Records of Transitions Recovery

4.251 Categories of documents disclosed by Defendant

Society of St. John, Ensey and Urrutigoity:
Documents are currently being gathered for response to Plaintiff's discovery request.

Bishop Timlin: None.

PFSP and SGA: Documents are currently being gathered for response to Plaintiffs' discovery request.

4.300 Additional Documents Disclosures:

By the Plaintiff:

4.301 The Plaintiffs, upon receipt and review of all discoverable material, will disclose same to Defendants.

4.400 Separately for each party who claims an entitlement to damages or an offset, set forth the computation of the damages or of the offset:

4.401 Plaintiff's calculation of damages:

Plaintiffs will provide through discovery the amount of medical bills incurred as well as documentation on the minor's past and future lost wage claim. The emotional distress and other related damages are not capable of liquidation. Plaintiffs also seek punitive damages.

4.402 Defendants' calculation of offset:

Society of St. John, Ensey and Urrutigoity:

5.0 Motions

Identify any motion(s) whose early resolution would likely have a significant effect either on the scope of discovery or other aspects of this litigation:

<u>Nature of Motion</u>	<u>Moving Party</u>	<u>Anticipated Date</u>
Motion for Summary Judgment	SSJ, Ensey and Urrutigoity	February, 2004
	Bishop James C. Timlin	February, 2004

6.0 Discovery

6.10 Briefly describe any discovery that has been completed or is in progress:

By Plaintiffs:

6.11 Plaintiffs have served written discovery upon Defendants and the Defendants have agreed to respond to said discovery. The parties also agree that their Rule 26 Disclosures are to be provided.

By Defendants:

Society of St. John, Ensey and Urrutigoity:

Defendants have served written discovery upon Plaintiffs and the responses will be forthcoming.

Bishop James C. Timlin: Interrogatories will be served on all parties.

PFSP and SGA: Interrogatories and a Request for Production of Documents have been served on Plaintiffs.

6.20 Describe any discovery that all parties agree should be conducted indicating for each discovery undertaking its purpose or what kinds of information will be developed through it (e.g. "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's revenue recognition policies were and how they were

applied to the kinds of contracts in this case"):

All parties and witnesses to this action will be deposed.

6.30 Describe any discovery that one or more parties want(s) to conduct but to which another party objects, indicating for each such discovery undertaking its purpose or what kinds of information would be developed through it:

6.40 Identify any subject area limitations on discovery that one or more parties would like imposed, at the first stage of or throughout the litigation.

6.50 For each of the following discovery tools, recommend the per party or per side limitation (specify a number) that should be fixed, subject to an appropriate showing (where parties cannot agree, set forth separately the limits recommended by plaintiff(s) and by defendant(s).

6.51 depositions (excluding experts) to be taken by:

Plaintiffs	<u>30</u>
Defendants	
SSJ, Ensey and Urrutigoity	<u>30</u>
PFSP and SGA	<u>10 maximum per FRCP</u>
Bishop James C. Timlin	<u>10</u>

6.52 interrogatories to be served by:

Plaintiffs	<u>25 pursuant to LR 33.3</u>
Defendants	
SSJ, Ensey and Urrutigoity	<u>25</u>
PFSP and SGA	<u>25 maximum per FRCP</u>
Bishop James C. Timlin	<u>10</u>

6.53 document requests to be served by:

Plaintiffs	<u>5 (sets)</u>
Defendants	
SSJ, Ensey and Urrutigoity	<u>5 (sets)</u>

Plaintiffs	<u>25 pursuant to LR 36.1</u>
Defendants	<u> </u>
SSJ, Ensey and Urrutigoity	<u>25</u>
PFSP and SGA	<u>25</u>
Bishop James C. Timlin	<u>25</u>

August 15, 2003 requested by Plaintiffs
October, 2003 requested by PFSP and SGA
October, 2003 requested by James C. Timlin

June 1, 2003 requested by
Plaintiff
September 1, 2003 requested by
PFSP and SGA
October 1, 2003 - James C.
Timlin

7.11 If entry of a protective order is sought, attach to this statement a copy of the proposed order.

8.0 Certification of Settlement Authority (All parties shall complete the certification)

- 8 -

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FOR BISHOP TIMLIN:

JAMES E. O'BRIEN, JR.
538 SPRUCE STREET
SCRANTON, PA 18503

9.0 Scheduling

9.10 This case may be appropriate for trial in approximately

_____ 240 days from the filing of this action in this Court.

_____ 365 days from the filing of this action in this Court.

_____ Days from the filing of the action in this Court.

9.20 Suggested Date for Trial:

July, 2003 month/year requested by Plaintiffs

September 15, 2003 requested by PFSP and SGA

November, 2003 requested by Bishop Timlin

9.30 Suggested Date for Pre-Trial Conference

June 2003 month/year requested by Plaintiffs

September 1, 2003 requested by PFSP and SGA

September, 2003 requested by Bishop Timlin

9.40 Final Date for Joining Additional Parties:

July 15, 2003

9.50 Final Date for Amending Pleading:

July 15, 2003 Plaintiff(s)

January, 2004 requested by Defendants PFSP and SGA

9.60 All potentially dispositive motions should be filed by:

SSJ, Ensey and Urrutigoity: February, 2004

Bishop Timlin: September, 2003

10. Other Matters

Make any other suggestions for the case development process, settlement, or trial that may be useful or necessary to the efficient and just resolution of this matter.

11.0 Identification of Lead Counsel:

Identify by name, address and telephone number lead counsel for each party

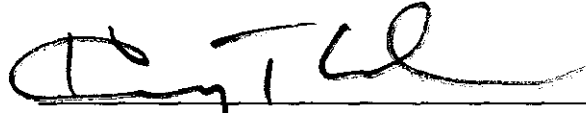
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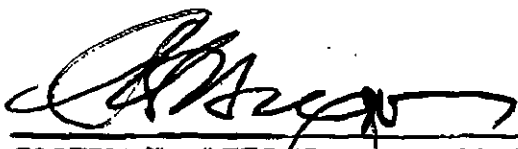
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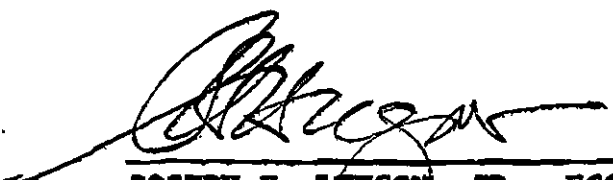


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